

IN THE U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

RUTH ANN WARNER, as Guardian of)	
JONATHAN JAMES BREWSTER WARNER)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 6:19cv00055
)	
CENTRA HEALTH, INC., et al.,)	
)	
Defendants.)	

PETITION FOR APPROVAL OF COMPROMISE SETTLEMENT

COMES NOW the Plaintiff, by counsel, and petitions this Court for approval of a settlement pursuant to Virginia Code § 8.01-424. In support of this Petition, Plaintiff states as follows:

1. Jonathan James Brewster Warner (Mr. Warner) was paralyzed as a result of a shooting incident on January 11, 2016, at Lynchburg General Hospital.
2. On July 14, 2017, Ruth Ann Warner (Plaintiff) qualified as the Guardian of Mr. Warner in Amherst County Circuit Court.
3. Plaintiff, as Guardian of Mr. Warner, thereafter asserted claims against multiple defendants.
4. Baskervill Architecture, Inc. (hereinafter "Baskervill") is one of those Defendants.
5. Baskervill disputes any liability; however, without admitting liability or negligence it has offered to compromise Plaintiff's claims against it for \$150,000.00.
6. Plaintiff has agreed to accept that amount in full and final settlement of any and

all claims against Baskervill arising out of the injuries of Mr. Warner arising out of the January 11, 2016 shooting.

7. Plaintiff has been and is represented by MichieHamlett PLLC and James River Legal Associates attorney (the Law Firms), who have rendered valuable legal assistance and engaged in extensive litigation on behalf of Plaintiff and Mr. Warner and will continue to do so. The Law Firms have also advanced significant sums on behalf of Plaintiff and Mr. Warner in prosecuting this action and will continue to do so, including but not limited to expert witness fees, court costs, travel costs, and other litigation expenses. The Law Firms will provide an itemization of their costs to the Court prior to the approval hearing but asks that they be able to submit their contingency percentage and advanced costs for *in camera* review due to the ongoing litigation against other defendants.

8. Plaintiff anticipates using these funds, net of Court ordered fees, costs, and lien reimbursement, to fund a special needs trust for the benefit of Mr. Warner.

9. The Law Firms are in the process of determining the full amount of applicable medical liens arising out of treatment for Mr. Warner's injuries related to the shooting, including with Virginia's Department of Medical Assistance Services (Medicaid), and will submit those and any proposed reductions to the Court in advance of the approval hearing. To the extent that there is any disagreement between the lien holders and Plaintiff regarding an asserted lien, Plaintiff will put the lien holder on notice of the approval hearing.

10. Plaintiff and the Law Firms anticipate asking this Court to approve a 1/3, 1/3, 1/3 split (\$50,000 each) between the Plaintiff, the Law Firms, and the lien holders. This would represent a substantial reduction for everyone involved, but with the understanding that the

litigation against other Defendants is still ongoing and there may be additional future funds available.

11. Plaintiff, Baskervill, and their counsel are informed and believe that the compromise and settlement is just and reasonable under all circumstances and request that this compromise offer be approved.

12. Court approval of this settlement shall serve as a full and final release of Baskervill Architecture, Inc., its insurance company, and their respective heirs, executors, administrators, assignees, officers, directors, stockholders, members, managers, agents, employees, servants, parent corporations, subsidiaries, related or affiliated corporations, successors in interest and insurers, from any and all past, present, or future claims, demands, obligations, actions, causes of action, rights, damages, costs, losses, expenses and compensation by any nature whatsoever, based on any theory of recovery and whether for compensatory, punitive, or other damages, which Plaintiff or Mr. Warner now have or which they may hereafter accrue as a result of the injuries he sustained on January 11, 2016.

WHEREFORE, Plaintiff respectfully request that the Petition be received and filed; that the compromise and settlement be approved by the Court; and that the Court enter an appropriate order to effectuate the compromise settlement of said parties.

Respectfully submitted,
RUTH ANN WARNER, as Guardian of
JONATHAN JAMES BREWSTER WARNER
By Counsel

/s/ M. Bryan Slaughter

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of November, 2020, a true and accurate copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to the following:

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